

# **State Board of Embalmers and Funeral Directors**

**March 2, 2012  
Division of Professional Registration  
Main Conference Room  
3605 Missouri Blvd  
Jefferson City, MO 65109**

**Conference Call**

**OPEN MINUTES**

The meeting of the State Board of Embalmers and Funeral Directors was called to order by D. Todd Mahn, Chairman at 8:00a.m.

## **Roll call**

### **Board Members Present**

Todd Mahn, Chairman  
James Reinhard, Vice Chairman  
John McCulloch, Secretary  
Gary Fraker, Board Member  
Martin Vernon, Board Member  
Archie Camden, Board Member

### **Staff Present**

Sandy Sebastian, Executive Director  
Tabatha Lenzini, Administrative Assistant  
Lori Hayes, Inspector  
Sharon Euler, Division Legal Counsel  
Connie Clarkston, Division, Director of Budget and Legislative

## **Approval of the Agenda**

A motion was made by Gary Fraker and seconded by Archie Camden to approve the open agenda. Motion carried with James Reinhard, John McCulloch and Martin Vernon voting in favor with no votes in opposition.

## **Motion to Close**

A motion was made by Gary Fraker and seconded by John McCulloch to go in to closed for #2. Motion carried with James Reinhard, John McCulloch and Archie Camden voting in favor with no votes in opposition.

## **HB1770 – Requiring preneed agents to be licensed funeral directors**

Don Otto was asked to go over the highlights of the proposed bills and why the association is in favor of the legislation. There was discussion among the board and then public comments were heard. Don stated that the language did not represent the majority of the association membership.

Following discussion Archie Camden asked Chairman Mahn if the board could vote on each bill as they are reviewed to see what the boards stance is on each one presented prior to going to the next bill and stated that would be his preference. Chairman Mahn stated he would hold votes following discussion on all of the proposed legislation being discussed.

**HB1769 – Requiring all funeral director applicants to have post secondary education**

Sandy shared that she and Don Otto had discussed the terminology relating to the accredited institution identifying that it was similar to previous language but different than language that was passed during the previous legislative session changing the terminology to accredited programs to be consistent with the accreditation process as the programs must be accredited by the ABFSE however the institution itself may not be accredited by that body. Don Otto was asked to give an overview of the bills intent. Don stated that the bill intends that individuals would need to have education in order to become a funeral director. Sandy asked if it was the bills intent to do away with apprenticeships as a requirement of licensure. Don stated it was not the intent of the bill to do away with apprenticeships but to have education and serve as apprenticeship as a process for licensure. Sandy shared that if that is the intent then 333.042.3 may need reviewed because it appears that may contradict the intent of the language. There was discussion among the board and then public comments were heard. Don Otto stated that the bill was filed to generate conversation and he did not anticipate it would be successful at moving forward this session and may take up to three years for it to make its way through the legislative process.

**SB757 – Elimination of Limited Funeral Director Licenses**

Don Otto was asked to give an overview of this proposed language. Don stated that it was originally filed because it was not believed that limited funeral director licenses were used for anything however based on the conversations that have taken place after the language was filed he is asking the bill sponsor, Senator Wasson, to pull the bill. Don stated that Sandy had shared with the Senator that limited funeral directors could not serve as funeral director in charge of a crematory/function B. Sandy stated that she had visited with Senator Wasson regarding the definitions in the regulations and had gotten some additional information to him regarding the board's records, which indicated that there are limited funeral directors serving as funeral director's in charge of crematories and that the practice appears to have been a practice for the board over several years. There was discussion among the board and then public comments were heard.

**HB1770 – Requiring preneed agents to be licensed funeral directors**

A motion was made by John McCulloch and seconded by Archie Camden to not support the bill as written. Motion carried with Gary Fraker, James Reinhard and Martin Vernon voting in favor with no votes in opposition.

**HB1769 – Requiring all funeral director applicants to have post secondary education**

A motion was made by Archie Camden and seconded by John McCulloch to not support the bill as written. The motion carried with Martin voting yes and James Reinhard and Gary Fraker voting in opposition.

**SB757 – Elimination of Limited Funeral Director Licenses**

A motion was made by Archie Camden and seconded by Martin Vernon to not support the bill as it is written. Motion carried with Gary Fraker, James Reinhard, and John McCulloch voting in favor with no votes in opposition.

Chairman stated that no bills were supported by the board.

**Adjournment**

A motion was made by John McCulloch and seconded by Gary Fraker to adjourn at 10:20 a.m. Motion carried with James Reinhard, Archie Camden, and Martin Vernon voting in favor with no votes in opposition.

Executive Director: Sandy Sebastian

Approved by the board: 4.24-25-2012

## MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney

3. PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency

4. DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) and Section 324.001.8 RSMo. for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees

5. EXAMINATION MATERIALS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing testing and examination materials

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees

7. APPLICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and Section 324.001.8 RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure

8. CLOSED MINUTES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

9. COMPLAINTS/ INVESTIGATIVE REPORTS/AUDITS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

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